

**TESIS**

**PENGAWASAN OMBUDSMAN REPUBLIK INDONESIA TERHADAP  
MAJELIS PENGAWAS NOTARIS**

*Sebagai salah satu syarat untuk memperoleh gelar Magister Kenotariatan*



**Disusun Oleh:**

**MEILISA FITRI HARAHAHAP**

**NIM. 1520123094**

**Dosen Pembimbing:**

**Prof.Dr.H.Yuliandri, S.H.,M.H**

**Dr. Yuslim, S.H., M.H**

**PROGRAM STUDI MAGISTER KENOTARIATAN  
PASCASARJANA FAKULTAS HUKUM UNIVERSITAS ANDALAS  
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(Meilisa Fitri Harahap, 1520123094, Program Studi Magister Kenotariatan  
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## **ABSTRAK**

Ombudsman sebagai lembaga Negara pegawas pelayanan publik mempunyai kewenangan mengawasi penyelenggara pelayanan dalam menjalankan tugasnya, termasuk pelayanan yang dilakukan oleh Majelis Pengawas Notaris (MPN) dalam hal menindaklanjuti laporan masyarakat yang diterimanya. MPN selaku pengawas dari Notaris juga diawasi oleh pengawas eksternal yakni Ombudsman, dalam prakteknya MPN melakukan dugaan maladministrasi berupa penundaan berlarut dalam memberikan kepastian kepada pelapor atas tindaklanjut dari laporannya sehingga menyebabkan masyarakat melapor ke Ombudsman. Hasil laporan yang telah dilakukan pemeriksaan tersebut nantinya bermuara dalam pemberian putusan berupa sanksi kepada Notaris yang dinyatakan bersalah melakukan pelanggaran atau kesalahan. Permasalahan tersebut melahirkan rumusan masalah; 1) Bagaimana kedudukan Majelis Pengawas Notaris dalam pelayanan publik? 2) Bagaimana Ombudsman Republik Indonesia menyelesaikan laporan dugaan maladministrasi yang dilakukan oleh Majelis Pengawas Notaris?. Metode pendekatan yang digunakan dalam penelitian ini adalah yuridis empiris, yaitu penelitian yang bertujuan untuk meneliti asas-asas hukum, sistematika hukum, sinkronisasi hukum, sejarah hukum dan perbandingan. Spesifikasi dalam penelitian ini adalah *deskriptif analitis*. Metode pengumpulan data dilakukan dengan *field research* (wawancara) dan *library research* (penelitian kepustakaan). Berdasarkan hasil penelitian penulis, dapat disimpulkan bahwa Majelis Pengawas Notaris dalam semua tingkatan melaksanakan pelayanan publik tertentu yakni pengawasan dan pembinaan terhadap Notaris sesuai dengan UUJN pelayanan publik yang diselenggarakan oleh MPN berupa pelayanan jasa dan pelayanan administratif dan MPN masuk dalam objek pengawasan Ombudsman sebagaimana unsur yang terdapat dalam Pasal 1 angka 1 Undang-Undang Ombudsman. Mekanisme atau tata cara pemeriksaan Ombudsman Republik Indonesia dalam menyelesaikan laporan dugaan maladministrasi yang dilakukan oleh Majelis Pengawas Notaris dilakukan melalui pelaporan masyarakat ke Ombudsman Republik Indonesia terkait dugaan maladministrasi yang dilakukan oleh Majelis Pengawas Notaris yang selanjutnya atas laporan tersebut dilakukan pencatatan, pemeriksaan syarat formil dan materil kemudian tindaklanjut sesuai kewenangan yang dimiliki oleh Ombudsman dalam Undang-Undang Nomor 37 Tahun 2008, terkait kasus terhadap Notaris di Kerawang telah dilakukan pemeriksaan dan tindaklanjut atas laporan sehingga MPP segera menjatuhkan putusan kepada Notaris dengan sanksi teguran tertulis.

Kata Kunci : Ombudsman Republik Indonesia, Pelayanan Publik, Majelis Pengawas Notaris

# OVERSIGHT SUPERVISION OF OMBUDSMAN OF THE REPUBLIC OF INDONESIA TO THE NOTARY SUPERVISORY BOARD

(Meilisa Fitri Harahap, 1520123094, Master Program of Notary of Law Faculty of Andalas University, 139 pages)

## ABSTRACT

Ombudsman as a state institution of public service supervisors has the authority to supervise the service providers in carrying out their duties, including services conducted by the Notary Supervisory Board in terms of following up the reports of the communities it receives. Notary Supervisory Board as the supervisor of Notary is also supervised by the external supervisor, Ombudsman, in practice Notary Supervisory Board alleges maladministration in the form of undue delay in giving certainty to the complainant for the follow-up of the report so as to cause the community reports to the Ombudsman. The results of reports that have been conducted the examination will lead to a decision in the form of sanctions to the Notary who was found guilty of committing an offense or error. The problem breeds the problem formulation; 1) What is the position of the Notary Supervisory Board in the public service? 2) How does the Ombudsman of the Republic of Indonesia complete the report of alleged maladministration conducted by the Notary Supervisory Board ?. The method of approach used in this research is empirical juridical, that is research which aims to examine the principles of law, legal system, legal synchronization, legal history and comparison. Specification in this research is analytical descriptive. Methods of data collection is done by field research (interview) and library research. Based on the result of the writer's research, it can be concluded that the Supervisory Board of Notary in all levels perform certain public services namely supervision and guidance of Notary in accordance to the Act of Notary. Public service organized by Notary Supervisory Board in the form of services and administrative services and Notary Supervisory Board included in the object of Ombudsman supervision as the element contained in Article 1 paragraph 1 of the Ombudsman Act. Mechanism or procedure of examination of the Ombudsman of the Republic of Indonesia in completing the report of alleged maladministration conducted by the Notary Supervisory Board is conducted through the reporting of the community to the Ombudsman of the Republic of Indonesia related to the alleged maladministration conducted by the Notary Supervisory Board which subsequently report on record, formal and subsequent material inspection the follow-up according to the authority possessed by the Ombudsman in Law Number 37 Year 2008, in relation to the case against Notary in Kerawang has been conducted the examination and follow-up on the report so Central supervisory board immediately handed the decision to the Notary with written reprimand sanction.

Keywords: Ombudsman of the Republic of Indonesia, Public Service, Supervisory Board of Notary